\* BEFORE THE PETITION FOR RESIDENTIAL ZONING VARIANCE \* ZONING COMMISSIONER S/S Park Haven, 822 ft. W of Creek Road \* OF BALTIMORE COUNTY 8171 Park Haven Road 12th Election District \* Case No. 92-64-A 7th Councilmanic District Eugene P. Pulaski, et ux --<del>-</del>

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 7 ft. (additional bathroom) in lieu of the required 15 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Depart-

ment of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore day of Act, 1991 that the Petition for a Zoning Variance from Section 1802.3.B of the Baltimore County Zoning Regulations (B.C.Z.R.) to allow a side yard setback of 7 ft. (additional bathroom) in lieu of the required 15 ft. side yard setback, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

> 1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the Department of Environmental Protection and Resource Management recommendations to be submitted upon completion of their review of this matter.

> Zoning Commissioner for Baltimore County

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-64-AThe undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

8171 Park Haven Road That the Affiant(s) does/do presently reside at

Baltimore, Md. 21222

letter attached.

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty) Mifficulty climbing stairs due to hardening of arteries in lower legs (Arteriosclerotic Occasive Disease) see Doctors

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a

reposting and advertising fee and may be required to provide additional information.

Lillian FRANCES POLASKI AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit: I HEREBY CERTIFY, this 13th day of function 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared ELGERE PATRICK PULASKI GND KILLIAN FRANCES PULASKI

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

ZOWING DESCRIPTON 1038-92 SIDE OF PARK HAVEN RJ. WHICH IS WIDE AT THE DISTANCE OF \$22 EAS OF THE CENTERLINE OF CREEK Rd. WHICH IS 36 WIDE. BEING LOTUS) OF GRAY HAVEN AS RECORDED IN BALTIMORE COUNTY PLAT BOOK (GLB-24) FOLIO (24) CONTAINING 3500 SQUARE FEET ALSO KNOWN AS SITI PARK HAVEN Rd AND LOCATED IN THE (12th) ELECTION DISTRICT.

Office of Planning and Zoning 111 West Chesapeake Avenue 887-3353 Towson, MD 21204 September 26, 1991 Mr. and Mrs. Eugene P. Pulaski 8171 Park Haven Road Baltimore, Maryland 21222 RE: Petition for Residential Zoning Variance Case No. 92-64-A Dear Mr. and Mrs. Pulaski: Enclosed please find the decision rendered in the above captioned

Baltimore County Government Zoning Commissioner

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

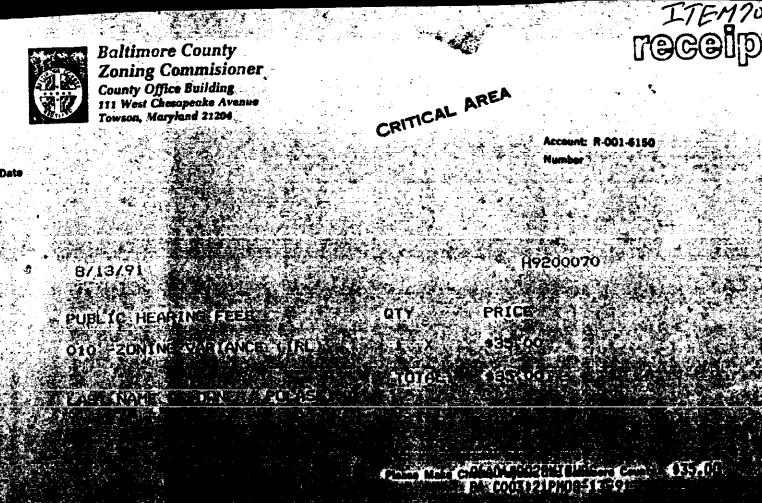
case. The Petition for Residential Variance has been granted, in

Lawrence E. Schmidt Zoning Commissioner

LES:mmn cc: Peoples Counsel

accordance with the attached Order.

Petitioner: Eugene Patrick Polasti, of us Location of property: 8/3 Park Haven, 872 W/Greak Rd. Location of Signe Focing Port Malow Rd., approx. 20 Fm road way of groporty of Pati twin.



PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section \_\_

1BO2.3B - to permit a side vard setback of 7' in lieu of the required 15' side yard setback.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: Difficulty climbing stairs due to hardening of arteries in lower leggs (Arteriosclerotic Occlusive Disease) See Doctors letter attached.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Legal Owner(s): 8171 PARK HAVEN Rd 288-3179 Name, address and phone number of legal owner, contract purchaser or representative to be contacted. 7 2/222 ORDEREG by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, that the subject matter of this petition be posted on the property on or before the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, that the subject more County, that the property be reposted, and that the public hearing be had before the Zoning Commissioner of Baltimore County

in Room 108, County Office Building in Towson, Baltimore County. ZONLING COMISSIONED FRANCEMENT FOR FILING

> Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

Contract Purchaser:

Attorney for Petitioner:

Attorney's telephone number

September 4, 1991

887-3353

Mr. & Mrs. Eugene P. Pulaski 8171 Park Haven Road Baltimore, MD 21222

> RE: Item No. 70, Case No. 92-64-A Petitioner: Eugene P. Pulaski, et ux Petition for Residential Variance

Dear Mr. & Mrs. Pulaski:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

Petitioner: Eugene P. Pulaski, et ux Petitioner's Attorney:

9th day of August, 1991.

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: September 4, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting for August 27, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 53, 62, 64, 65, 66, 68, 70, 71, 72, 75, 76, 77, 78, 79 and 80.

For Item 67, this site must be submitted through the minor subdivision process for review and comments.

For Item 69, if maintenance or repair is required on the existing 15-inch drain along the east property line, Baltimore County may require the removal of the car port at the owner's expense.

For Item 74, this site is subject to the previous minor subdivision comments.

Developers Engineering Division

RWB:s

Memo to Mr. Lawrence E. Schmidt September 18, 1991 Page 2

Finding: This property is located approximately 500 feet from the tidal waters of Bear Creek. No disturbance of the shoreline buffer shall occur.

Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loadings by 10% of the on-site level prior to new development or redevelopment." <Baltimore County Code Sec. 22-216>

Finding: Presently the rear downspout from the existing dwelling empties into the alley. The applicant proposes to reorient this into the flower bed which is located along the side property line. In addition, the applicant proposes to install a french drain from the downspout on the proposed addition. The applicant shall comply with these adjustment to the stormwater runoff generated from this property and shall replant any shrubs removed for construction. This will meet the requirements of the above regulation.

## CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

JJD:DCF:ju Attachment

cc: The Honorable Vincent Gardina The Honorable Donald Mason Mr. Ronald B. Hickernell

PULASKI/TXTNSS

92-64-A Sept 15 GRant Col-L



700 East Joppa Road Suite 901 Towson, MD 21204-5500

SEPTEMBER 16, 1991

(301) 887-4500

Arnold Jablon Director Zoning Administration and Development Management

Baltimore County Office Building Towson, MD 21204 EUGENE PATRICK PULASKI

RE: Property Owner: #8171 PARK HAVEN ROAD Location:

Zoning Agenda: AUGUST 27, 1991 Item No.: 70

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Eureau Special Inspection Division

JP/KEK

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS BALTIMORE COUNTY, MARYLAND

DATE: October 3, 1991

Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: August 27, 1991

This office has no comments for item numbers 53, 64, 65, 66, 67, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79 and 80.

RJF/lvd

12-11-1-A 9/16/91

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Director DATE: September 13, 1991 Zoning Administration and Development Management

Pat Keller, Deputy Director

Office of Planning and Zoning

SUBJECT: HELBING Property, Item No. 53 Smith Property, Item No. 64 McClure Property, Item No. 65 Boehnlein Property, Item No. 66 Marx Property, Item No. 68 Buie Property, Item No. 69 Pulaski Property, Item No. 70 Wollschlager Property, Item No. 72 Bray Property, Item No. 74 Graves Property, Item No. 75 Sylvia Property, Item No. 76 Long Property, Item No. 78 Pearl Property, Item No. 79 Casey Property, Item No. 80 Edwards Property, Item No. 81 Tyson Property, Item No. 85 Skidmore Property, Item No. 88 Williams Property, Item No. 89 Restivo Property, Item No. 90 Didier Property, Item No. 97 Wesolowski Property, Item No. 102 Griffin Property, Item No. 103 Burgwin Property, Item No. 104 Ghent Property, Item No. 110 Lingg Property, Item No. 111 Bates Property, Item No. 112 Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM47/TXTROZ

Ker 9/16/91

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: Mr. Lawrence E. Schmidt DATE: September 18, 1991

Zoning Commissioner FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 70 Pulaski Property Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 8171 Park Haven Road. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. and Mrs. Eugene Pulaski

APPLICANT PROPOSAL

The applicant proposes to build an addition for use as a bathroom. The applicant has requested a variance from section 1802.38 of the Baltimore County Zoning Regulations to permit "a side yard setback of seven feet in lieu of the required 15 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

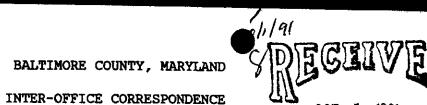
- "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- 2. Conserve fish, wildlife and plant habitat; and
- 3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

## REGULATIONS AND FINDINGS

Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" (Baltimore County Code Sec.

92-64

BALTIMORE COUNTY, MARYLAND



**ZONING OFFICE** ZONING COMMISSIONER, DEPARTMENT ZONING

RICHARD F. SEIM, PLANS REVIEW CHIEF,

September 27,1 991

DEPARTMENT OF PERMITS & LICENSES

SUBJECT: ZONING ITEM #: 70

BALTIMORE COUNTY BUILDING CODE.

PROPERTY OWNER: Eugene Patrick Pulaski, et ux CRITICAL

LOCATION: S/S Park Haven, 822' W of Creek Road (#8171 Park Haven Road) ELECTION DISTRICT: 12th

COUNCILMANIC DISTRICT: 7th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) RAMPS (degree slope) ( ) NUMBER PARKING SPACES ( ) CURB CUTS ( ) BUILDING ACCESS ( ) SIGNAGE

( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT

(V) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE

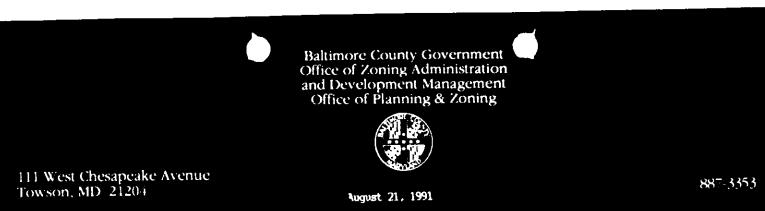
TO COMPLY TO NEW USE REQUIREMENTS. (V) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 517.0

COUNCIL BILL #192-90 ( BALTIMORE COUNTY BUILDING CODE).

( ) OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE. TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91



Eugene and Lillian Pulaski 8171 Park Waven Road Baltimore, Maryland 21222 COPY

Re: CASE NUMBER: 92-64-h LOCATION: S/S Park Haven, 822' W of Creek Road 8171 Park Haven Road

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before September 1, 1991. The closing date is September 16, 1991. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in two local newspapers. Charges related to the reposting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens (301) 887-3391 

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Medical Center				
4940 Eastern Avenue Baltimore MO 21204 (301) 550-0100				
Department of Surgery Calvin E. Jones, M.D. Chief, Dailson of Viscouli, Surgery			12-6	14-A
(301) 550-0415		July 12, 1991		
To Whom It May Concer  This is to infor	m you that Mr.	Eugene Pulaskí h	as arteriosclero	otic.
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		Sincerely,		
		Calvin E. Jones,	M.D. / 19	
CEJ/crt				
Ý				JOHN Hopkin
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